From:	Eric Blischke
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Cc:	Chip Humphrey
Subject:	Stormwater Sampling at the Portland Harbor Site
Date:	01/12/2007 12:34 PM
Attachments:	AttachmentA12-28.xls

Jim, Bob and Rick,

As EPA has indicated in previous communication, the collection of stormwater data is relevant to source control and in-water RI/FS Work. From a source control perspective, data is necessary to characterize stormwater and get the information necessary to determine whether source control is required. From an in-water RI/FS perspective, data is necessary to support the contaminant fate and transport evaluation and food web model and help determine site specific cleanup levels for the Portland Harbor site. The purpose of this email is to further clarify EPA's position regarding the implementation of stormwater sampling, at the Portland Harbor Site during the 2006/2007 water year. The objective of an RI/FS is to determine the nature and extent of contamination and this objective cannot be met without the collection of this stormwater information.

The Administrative Order on Consent (AOC) defines the Portland Harbor Site broadly to include both uplands and in-water areas. Section V.1 of the AOC states:

> "*The Site consists of the areal extent of contamination, and all suitable areas in proximity to the contamination necessary for implementation of response action, at, from and to the Portland Harbor Superfund Site Assessment Area from approximately River Mile (RM) 3.5 to RM 9.2 (Assessment Area), including uplands portions of the Site that contain sources of contamination to the sediments*."

Regarding source control efforts, the AOC states:

> *"EPA and DEQ have agreed to share responsibility for investigation and cleanup of the Site. DEQ has the lead responsibility for conducting upland work necessary for source control, and EPA is the Support Agency for that work, consistent with the role of Support Agency as set forth in the NCP."*

Section 2 of the Scope of Work attached to the AOC makes it clear that the division of responsibilities is solely for administrative convenience:

> "*The terms "in-water" and "upland" have been used in the MOU and this AOC for administrative convenience in sharing of workload between EPA and DEQ. They do not represent limitations of demarcations in EPA and/or DEQ authority. EPA and DEQ roles, as more fully described in the MOU, in no way establish limitations or boundaries that bind either agency or limit the effective scope of the AOC.*"

Given that the stormwater work is a necessary to inform and complete the RI/FS, and that the Site includes both uplands and in-water areas, it is appropriate for stormwater characterization work to be performed by the LWG under the AOC.

EPA recognized the importance of understanding contaminant loading in general and

source control in particular in its December 2, 2005 Identification of Round 3 Data Gaps Memo. In this document, EPA states:

1. Understanding contaminant loading is critical to the Portland Harbor RI/FS. To understand the impact of contaminant loading, a contaminant fate and transport model and estimates of upland and upstream loading are required (See section 2.1 of Round 3 Data Gaps Memo).
2. Surface water data will be needed at sites where PBTs are present above criteria or where additional data to understand loading to surface water is required. This information will be used to support the fate and transport model, food web model (predict fish tissue concentrations in response to remedial measures to address sediment contamination) or to support TMDL-like efforts aimed at source control efforts (this data collection effort took place in the fall of 2006; see Section 3.1.4 of the Round 3 Data Gaps Memo).
3. Stormwater is expected to be a significant source of contamination to Portland Harbor. Contaminant loading data will be required to support the fate and transport model, food web model and evaluate the potential for recontamination. Due to the large number of outfalls present within the Portland Harbor Study Area (more than 300 private and municipal outfalls have been identified to date), a comprehensive plan for characterizing a stormwater outfalls and developing stormwater loading estimates should be developed and implemented as part of upland source control efforts (see Section 3.2.2 of the Round 3 Data Gaps Memo).

Regarding the characterization of stormwater specifically, we have agreed that stormwater data collection efforts support 3 primary data quality objectives (DQOs):

- DQO 1- contribution to water column risk
- DQO 2- contribution to sediment risk
- DQO 3- source tracing

In an effort to keep the in-water RI/FS on schedule, the LWG, EPA and DEQ developed a list of sites (Attachment A) and specific sampling methodologies that need to be implemented in water-year 2006-2007. A field sampling plan will be developed collaboratively over the next month that describes in greater detail this stormwater sampling program.

The results of this stormwater sampling effort, along with the previously approved LWG far-field stormwater sampling program, should be adequate to address DQOs 1 and 2 for the in-water RI/FS. EPA expects that future stormwater sampling to be implemented during the 2007/2008 water year will be focused on the additional characterization necessary to support the need for source control. However, EPA recognizes that the Comprehensive Round 2 Site Summary and Data Gaps Analysis Report and preliminary results from the hybrid fate and transport model may identify additional in-water RI/FS data gaps related to far-field stormwater sampling. EPA expects that these data gaps will be addressed by the LWG as part of the Round 3B sampling effort. EPA also recognizes that additional stormwater characterization may be required as part of remedial design (e.g., to support a recontamination evaluation). Therefore, prior to the implementation of any additional stormwater sampling, EPA, DEQ and the LWG will meet to determine whether the proposed data collection efforts are primarily a source control data collection effort, an in-water RI/FS data collection effort or an RD/RA data collection effort.

EPA believes that the sampling program developed jointly by EPA, DEQ and the LWG

will go a long ways towards improving our understanding of the contribution of stormwater contaminants to the Portland Harbor, support the food web and contaminant fate and transport models and determine the need for source control measures aimed at the stormwater migration pathway. We look forward to continuing our collaborative efforts to ensure that the sampling takes place during the 2006/2007 water year.

Thanks, Eric

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